

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

7/15/98/LA

The Goa School Education (Amendment) Act, 1998 (Goa Act 22 of 1998), which has been passed by the Legislative Assembly of Goa on 23-7-1998 and assented to by the Governor of Goa on 29-8-1998, is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 1st September, 1998.

The Goa School Education (Amendment) Act, 1998

(Goa Act 22 of 1998) [29-8-1998]

AN

ACT

further to amend the Goa, Daman and Diu School Education Act, 1984.

Be it enacted by the Legislative Assembly of Goa in the Forty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa School Education (Amendment) Act, 1998.

(2) It shall come into force at once.

2. *Amendment of section 4.* — In the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) (hereinafter referred to as the "principal Act"), for section 4, the following shall be substituted, namely:—

"4. *Powers of Government to regulate education in schools.*—(1) With a view to enable the Government to provide for the planned development of school education in Goa, every individual, association of individuals, Society or Trust, desiring to establish a school or to open additional classes in an existing school, shall, before establishing such school or opening additional classes in an existing school, as the case may be, apply to the Director in writing in such manner and on payment of such fees as may be prescribed.

(2) The Director may, after considering the particulars specified in the application made to him and after making such inquiries as he may think fit, permit the individual, association of individuals, Society or Trust by whom the application was made, to establish a school or open additional classes in an existing school, as the case may be, in the zone and the area applied for:

Provided that the Director shall, if he is of the opinion that the number of schools existing in the zone or the area where the school is proposed to be established or where additional classes are proposed to be opened, are sufficient to meet the needs of that zone or the area, inform the applicants that the establishing of the school or opening of additional classes in the existing school, as the case may be, in the zone or the area would not be in public interest and may indicate any other zone or area which in his opinion, needs a new school or additional classes, as the case may be, or may reject the application.

(3) On and from the date of commencement of the Goa School Education (Amendment) Act, 1998, the establishment of a new school or the opening of a class or section of a class or the closing

down of an existing class or any section of an existing class in any existing school in the State of Goa, shall be subject to the provisions of the Act and the rules made there under and any school or class or section established or opened otherwise than in accordance with the provisions of the Act or the rules made thereunder shall not be recognised by the appropriate authority.

(4) Any person or persons or the Secretary of the Society or the Trust, as the case may be, establishing a school, or opening additional classes in an existing school, without the prior permission of the Director, shall on conviction be punishable with imprisonment for a term which may extend to six months or fine which may extend to fifty thousand rupees or with both, and the school or class so established shall be closed and students readmitted to the nearest school."

3. *Amendment of section 18.*—In section 18 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely:—

"Provided that from the 31st day of May of the year two thousand, a child who has not attained the age of six years on or before the 31st day of May of the year in which the admission of such child is sought, shall not be admitted to class I, or an equivalent class or any class higher than class I, in a recognised school."

"Provided further that a child who has not attained the age of five years and six months on or before 31st May of the year 1999, shall not be admitted to class I or an equivalent class or any class higher than class I in a recognised school in the year 1999."

4. *Amendment of section 19.*—In section 19 of the principal Act, after sub-section (3), the following shall be inserted, namely:—

"(4) Any person/persons or Society or Trust, as the case may be, which collects fees or any other charges or receives any other payment beyond the prescribed limit fixed by the Director, shall be liable to imprisonment for a term which may extend to six months or for a fine which may extend to fifty thousand rupees or with both, and fees/charges received as shall be forfeited by the Government."

5. *Amendment of section 23.*—In section 23 of the principal Act, after sub-section (2), the following shall be inserted, namely:—

"(3) No court shall take cognizance of an offence punishable under sub-section (4) of section 4 and sub-section (4) of section 19 of the Act, except on a complaint made by the Director or any person authorised by him in this behalf."

Secretariat Annexe,
Panaji.
Dated: 1-9-1998.

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs).